

WASHINGTON COUNTY SHERIFF'S OFFICE

**500 Western Maryland Parkway
Hagerstown, Maryland 21740**

Complaint Number	Date of Report	Initial/Supplement
AI-23-005(I)	June 20, 2023	Initial
Status of Investigation		Report Made By
Closed		Capt. Todd L. Kerns 4562
Subject of Investigation		
Administrative Inv. -Jerry Moschel 9754		

**Complainant/
Victim:** Dep. Ashley Wilbraham 11150

Date/Time/Location Approximately May 2022
Unknown Location

Of Incident:

Deputies involved: DFC Jerry Moschel 9754

Witness: M/Dep Eric Fogle 10231
(240) 446-0414

Emily Daveler
(301) 660-9733

Kate Morris
(301) 992-8140

List of Exhibits:

1. Harassment Complaint Form
2. Text messages from Daveler to Wilbraham
3. Text message from Moschel to Wilbraham
4. Complaint Against Personnel Form
5. Video of Interview of M/Dep. Fogle
6. Notification of Complaint Form
7. Internal Investigation Interrogation Form

8. Video of Interrogation of Moschel

Action

Taken:

On Friday June 2, 2023, I along with Colonel Lazich met with Deputy Wilbraham regarding her complaint against Deputy Moschel. (Exhibit 1) Wilbraham advised that in approximately May, 2022 she had a consensual sexual encounter with Moschel. Wilbraham stated she was not employed by the Sheriff's Office at the time of the encounter but was in the background process. Wilbraham advised she did not consent to the encounter beginning recorded but believes it may have been because she recalled seeing some sort of light source that she thought was a flashlight. Wilbraham advised that neither she nor Moschel were intoxicated at the time of the encounter.

Wilbraham stated she has not had any conversation with Moschel regarding the encounter and their only conversations since that time occurred when they would run across each other in performance of their job functions. Wilbraham stated that on Tuesday, May 30, 2023, she was contacted by Officer Emily Daveler of the Boonsboro Police Department. Wilbraham advised that Daveler told her that a video recording of the sexual encounter was being circulated among Washington County Sheriff's Office employees. Wilbraham provided screen shots of her conversation with Daveler. (Exhibit 2) Wilbraham stated she did not know who may have seen the video, but when asked she advised that possibly it could be M/Dep Fogle, as she knows he and Moschel are friends.

Wilbraham advised that on June 1, 2023, she was contacted via text message from Moschel regarding the allegations and she provided copies of the screenshots. (Exhibit 3) The context of the conversation indicated that a video recording of the sexual encounter did exist at least at some point, but, according to Moschel, "it has been gone for many months now." After reviewing the Maryland Revenge porn statute with Wilbraham, she advised she was not experiencing "serious emotional distress" because of the allegations. She further advised she did not feel a criminal investigation was appropriate, but did express if the video was being shared, she wanted it to stop. Accordingly, Colonel Lazich completed a complaint against personnel form (Exhibit 4) and assigned this investigation to me.

Also on Friday, June 2, 2023, I called Officer Emily Daveler and left a voicemail requesting her to call me. Within a few minutes, Daveler returned my call and advised her dog was ill but once she got

him stabilized, she would come into the Sheriff's Office to be interviewed regarding the complaint. A short time later, Daveler called back and advised her dog was not doing well and requested we speak over the phone.

Daveler told me that she was aware that Deputy Sara Sutton has been hanging out with Deputy Moschel and she did not think that would be a smart move for her. It should be noted that Daveler is friends with Moschel's on/off girlfriend Kate Poffenberger and expressed to me that she does not like the way that Moschel conducts himself. Daveler stated she contacted a friend who works at the Washington County Sheriff's Office and inquired whether she should caution Sutton in reference to Moschel.

Daveler stated the friend, whom she refused to name, told her that video of Moschel and Wilbraham having sex had been circulated throughout the Sheriff's Office so he assumed Sutton would be aware of Moschel's reputation. The unnamed friend told Daveler that he had viewed the still shots from the video personally. Daveler told me that she had not viewed the video, and she and I discussed whether my investigation would be criminal or administrative in nature. I explained to Daveler, without revealing the content of my conversation with Wilbraham, that my investigation would only be administrative and not criminal.

Daveler told me she was reluctant to reveal who provided her the information as she would be losing a friend once the allegations came to light. Daveler requested an opportunity to consult an attorney prior to discussing the matter any further and we ended the phone call. A short time later, Daveler called me back and told me that at the advice of her attorney, since the case was not criminal, she would not provide the name of the person who told her about the video. I concluded my phone call with Daveler.

On Tuesday June 6, 2023, I requested M/Dep Eric Fogle to contact me in reference to this investigation. I conducted my interview with Fogle in the WCSO interview room and I advised Fogle that our conversation was being recorded. I explained the facts of the allegation filed against Moschel and asked Fogle if Moschel shared the video with him. Fogle stated he did not recall seeing the video firsthand but remembered Moschel and Wilbraham were involved in some type of relationship before she entered the Police Academy.

I again asked Fogle if he saw a video of Moschel and Wilbraham engaged in sexual activity and he again told me he could not recall. Fogle stated that Moschel had shared videos with him that depicted

Moschel and females having sex, but when asked, he could not recall if any of them involved Wilbraham. Fogle did acknowledge that Moschel had sent him videos before and that any that came in via text message should still be on his phone. I requested Fogle to review the contents of his phone and notify me if he located images containing Wilbraham.

I advised Fogle if he should later recall any pertinent information, he should contact me. I also ordered Fogle not to discuss the investigation with anyone else. I concluded my interview with Fogle and downloaded an electronic copy of the interview. (Exhibit 5)

On Wednesday, June 7, 2023, Colonel Pete Lazich and I met with DFC Moschel regarding the complaint filed by Dep. Wilbraham. I presented Moschel with a Notification of Complaint Form, which detailed the allegations. (Exhibit 6). Moschel signed for the form and elected to retain his rights for legal representation during his interrogation. I scheduled the interrogation for Thursday, July 15, 2023, at 0900 HRS and provided a copy to Moschel.

On Wednesday, June 14, 2023, I received a voicemail message on my desk phone from a female who identified herself as Kaitlyn Morris who advised she wanted to speak to me regarding this investigation. I returned her call and was able to determine the Ms. Morris was a prior girlfriend of Moschel and her maiden name was Poffenberger. I also confirmed she is associated with Daveler therefore I deduced she is the Kate Poffenberger that Daveler referred to when I spoke to her.

Morris told me that within the last week or so she was contacted by Moschel, who requested that she meet him to discuss the allegation against him. Morris stated she is familiar with Wilbraham and, while not friends with her, did not wish to see her victimized. Morris advised Moschel admitted he had video of him and Wilbraham having sex, but stated he had deleted it. Morris advised Moschel did not admit to sharing the video, but referred to the fact that I had called in Fogle. According to Morris, there is now tension between Fogle and Moschel because Fogle has refused to discuss the matter with Moschel.

Morris advised she and Moschel had also made videos of their sexual encounters and Moschel assured her that he has not shared them. Morris advised she felt compelled to call me because she is tired of Moschel "always getting away with shit". Morris asked me if she would be named in the investigation, and I advised her at minimum I would need to include her information in my report and

possible bring up our conversation during Moschel's interrogation. Morris advised she understood, and we concluded our phone call.

On Thursday, June 15, 2023, I met with DFC Moschel and his attorney Mr. Devin Miller in the Washington County Sheriff's Office Interview Room, for a pre-scheduled interrogation. I advised both Miller and Moschel that our conversation was being audio and video recorded. I began by reviewing the Washington County Sheriff's Office Internal Investigation Interrogation Form, which Moschel completed and signed. (Exhibit 7).

I began the interrogation by reiterating to Moschel the importance of his honesty during questioning. I asked Moschel how long he has known Deputy Wilbraham and he told me that he has known her since approximately 2014 or 2015. Moschel stated he and Wilbraham are approximately the same age and they briefly dated when the both were approximately 15 years old. Moschel stated at that time, he and Wilbraham did engage in "oral stuff" but did not think they had "sex." Moschel stated the relationship lasted about three months and ended amicably.

Moschel stated he remained friends with Wilbraham and even though they were not dating, they had "hooked up", which he explained meant the two engaged in consensual sexual activities. I asked Moschel when was the last time he had sex with Wilbraham and he told me "late winter" which, when prompted, he told me February or March. Moschel stated it was right before the hiring process, which I know would have been 2022. I asked Moschel if it could have been May of that year and he told me possibly and thought it was close to Wilbraham's birthday. It should be noted that Wilbraham's birthday is in May and when asked directly, Moschel acknowledged it could have been May.

Moschel told me that he and Wilbraham had sex approximately a dozen times and after the first several times, they discussed making videos of the two of them engaged in sex. Moschel advised that Wilbraham agreed to make the recordings and advised they made recordings of sexual encounters on multiple occasions. I asked Moschel if he shared the videos with Wilbraham and he advised he did share some of them with her. I asked Moschel if he could review his phone message, and see whether he could find the date which he shared the videos with Wilbraham.

Moschel located a message to Wilbraham in which he sent one of the videos on April 5 to April 6, 2022. Moschel admitted it was possible he could have sent videos to Wilbraham on other social media

platforms which he would not have record of. I asked Moschel if he recently discussed the situation with Wilbraham. Moschel stated he contacted Wilbraham once he was aware of the allegations, and she told him that she had not shared the videos. Moschel advised he had no contact with Wilbraham after he was ordered not to discuss this investigation.

I confronted Moschel and told him that he also shared the video with M/Dep Fogle. Moschel responded "ok" then stated he could not recall. Moschel admitted that he sent videos of him having sex with females other than Wilbraham to Fogle, but stated he could not recall sending the videos of Wilbraham to Fogle. Moschel advised that if he sent them it could have been through Instagram and maybe he did it when he was drunk, and he could not recall doing it.

Moschel insisted that Fogle would be the only person he would share such videos with. I asked Moschel if it was more likely than not that he sent the video to Fogle, and he said it was more likely that he did, but still could not recall doing it. Moschel told me that he would admit to sending the video to Fogle if that is what I wanted him to do. I explained to Moschel that I was merely seeking the truth about the situation.

Moschel advised if he sent the video to Fogle, it would only make sense that he would have done so shortly after the recording was made. I asked Mr. Miller if he had any information to offer and he requested to speak to Moschel in private. Moschel and Miller left the interview room with recording still active and when they returned, they had nothing of relevance to offer. I concluded the interrogation and have attached a copy to this report. (Exhibit 8)

Summary:

This investigation involves an allegation of sexual harassment, filed by Deputy Ashley Wilbraham, in which it is alleged that DFC Jerry Moschel shared video depicting himself and Deputy Wilbraham

engaged in sexual activity. It should be noted that consensual sexual encounters occurred between Moschel and Wilbraham in 2022 during which time Wilbraham was in the application process to be hired. Moschel advised he did not recall sharing the video with anyone other than Wilbraham but believed it was more likely than not that he also shared the video with M/Deputy Fogle. Moschel told me he would admit to sharing the video with Fogle if I wanted him to.

It is my belief that Moschel did share the video with Fogle and that the allegation of the video being observed by other members of the Agency are true. Moschel advised that if he would have sent the video it would have been shortly after recording it. Therefore, any violation of Agency policy would be most likely to have occurred prior to July 1, 2022 meaning that LEOBR rules and procedures would apply to this incident.

I find the allegation against DFC Moschel to be sustained. I find that he violated Rule 19.00 which read in part:

Sexual Harassment - To maintain a quality working environment for all employees, uniformed and civilian, or potential employees of this department so that they may work free from intimidation, humiliation, insult or subjection to offensive physical or verbal abuse or actions of a sexual, ethnic, racial or religious nature, the following policy will be observed.

Reporting Officer Supervisor	Approving <hr/>
Todd L Kerns # 4562 Knight #3875 Capt. Investigative Services Commander	Mark <hr/>
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